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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
1714	102

DATE MAILED: 01/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/701,376	KOBAYASHI ET AL.
	Examiner Callie E. Shosho	Art Unit 1714
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<small> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). </small>		
Status		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____. 2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-3</u> is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>1-3</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. <small>Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</small>		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. <small>If approved, corrected drawings are required in reply to this Office action.</small>		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input checked="" type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <small>* See the attached detailed Office action for a list of the certified copies not received.</small>		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.		

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the present application, the abstract is more than 150 words.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) Claim 1 recites that the nucleating agent “is blended with the propylene-ethylene block copolymer in an amount of 300-2,000 ppm upon granulation thereof”. The scope of the claim is confusing because it is not clear what is meant by “granulation thereof”. Does this refer to granulating the block copolymer first and then adding nucleating agent, granulating the nucleating agent, which is then added to the block copolymer, or granulating a mixture of block copolymer and nucleating agent?

(b) Claim 1 discloses values of melt flow rate as well a xylene insoluble and a xylene soluble. The scope of the claim is confusing because it is not clear if it is the propylene-ethylene block copolymer itself which possesses the claimed melt flow rate, xylene insoluble, and xylene soluble or the composition as a whole which possesses the claimed melt flow rate, xylene insoluble, and xylene soluble. Line 5 of the claim only recites “and having” which does not clarify what is being referred to.

(c) Claim 1, lines 9 and 11 each recite “ordinary temperature”. The scope of the claim is confusing because it is not clear what is meant by “ordinary”. What temperatures are encompassed by this phrase? What is considered ordinary?

(d) Claim 1, lines 11-12 disclose that the xylene soluble has “content of 22-28% by weight”. The scope of the claim is confusing because it is not clear what is meant by content. Is the xylene soluble present in this amount or does this refer to the content of, for example, ethylene, in the xylene soluble?

(e) Claim 2 recites that the composition has Izod impact strength of 6 to 8 kJ/m². The scope of the claim is confusing because references such as Nishio et al. (U.S. 5,302,653) or Sanpei et al. (U.S. 6,204,328), which measure the Izod impact strength using ASTM D256 which

is identical to the method used in the present invention (see page 12, lines 16-18), disclose that the units of Izod impact strength are (after conversion) kJ/m not kJ/m² as presently claimed. Clarification is requested.

Claim Rejections - 35 USC § 103

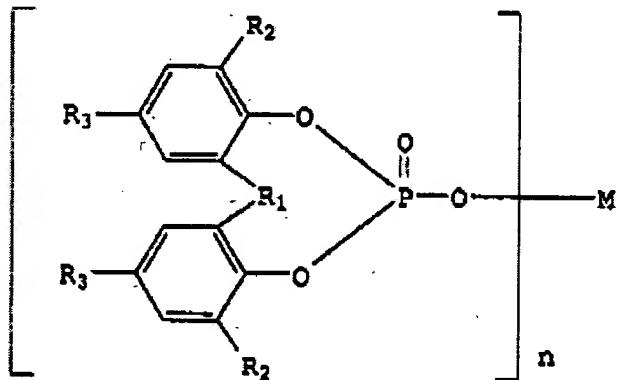
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 699711 in view of Kamakura et al. (U.S. 5,543,454), Watanabe (U.S. 4,621,114), and Sumitomo et al. (U.S. 6,201,090).

EP 699711 disclose a resin composition comprising (i) propylene-ethylene block copolymer wherein the copolymer comprises propylene homopolymer which has stereo regularity index [mmmm] fraction, i.e. isotactic pentad fraction, of 98.5% or greater and 5-25% ethylene-propylene copolymer and (ii) nucleating agent as seen in the formula below:



which is identical to the nucleating agent presently claimed when R₂ and R₃ are each t-butyl, R₁ is methylene, and M is sodium. The nucleating agent is present in an amount of 0.05-0.4 parts per 100 parts polymer present in the composition or in an amount of 0.0005-0.004 parts per part

polymer which clearly overlaps the claimed amounts of 0.0003 (300/1,000,000)-0.002(2000/1,000,000) parts nucleating agent per part polymer (page 4, lines 6-12 and 22, page 5, lines 14-40, and page 6, lines 1-3).

Although there is no explicit disclosure of xylene insoluble or xylene soluble as presently claimed, it is well known as found in col.2, lines 42-43 and 56-57 of Kamakura et al. that for a propylene-ethylene block copolymer comprising a propylene homopolymer portion and an ethylene-propylene copolymer portion, that the xylene insoluble is the propylene homopolymer portion and the xylene soluble is the ethylene-propylene copolymer portion. Thus, it is clear that EP 699711 disclose xylene insoluble and xylene soluble as presently claimed.

The difference between EP 699711 and the present claimed invention is the requirement in the claims of (a) granulation, (b) melt flow rate, and (c) relaxation time of xylene soluble.

With respect to difference (a), while there is no explicit disclosure of granulation, it is noted that page 6, line 6 of EP 699711 discloses that the composition is mixed using an extruder.

Watanabe, which is drawn to propylene composition comprising propylene-ethylene block copolymer, disclose that mixing such a composition in an extruder will result in granulation (col.8, lines 2-3).

In light of the disclosure of Watanabe, it is clear that EP 699711 does in fact disclose granulation as presently claimed, and thus one of ordinary skill in the art would have arrived at the claimed invention.

With respect to difference (b), Kamakura et al., which is drawn to propylene resin composition comprising propylene-ethylene block copolymer, disclose that such a composition has melt flow rate (MFR) of 9-15 g/10 min, wherein if the MFR is too low, a composition having

good moldability cannot be obtained, while if the MFR is too high, a composition having good impact resistance cannot be obtained (col.2, lines 63-67).

In light of the above, it therefore would have been obvious to one of ordinary skill in the art to use composition in EP 699711 which has MFR of 9-15 g/10 min in order that the composition have both good moldability and good impact resistance, and thereby arrive at the claimed invention.

With respect to difference (c), while EP 699711 discloses propylene-ethylene block copolymer comprising xylene soluble, there is no disclosure of the relaxation time and thus no disclosure that the relaxation time is a single component or related to the ethylene content as presently claimed.

On the one hand, given that EP 699711 disclose a composition comprising propylene-ethylene block copolymer with same content of xylene soluble as presently claimed, it would have been natural for one of ordinary skill in the art to infer that the xylene soluble of EP 699711 intrinsically possesses single relaxation time component and relationship between relaxation time and ethylene content as presently claimed.

On the other hand, Sumitomo et al., which is drawn to propylene-ethylene block copolymer, disclose that the xylene soluble has a single relaxation time component and a relationship between relaxation time and ethylene content of $y \leq 0.0014x^3 - 0.0897x^2 - 1.0593x + 231.6$ where y is the relation time in msec and x is the ethylene content in weight % (col.5, lines 1-48).

The motivation for using propylene-ethylene block which possesses xylene soluble with such relaxation time is that the propylene-ethylene block copolymer has good impact strength and also a good balance between rigidity and impact strength (col.5, line 66-col.6, line 12).

In light of the motivation for using propylene-ethylene block copolymer which has xylene soluble possessing single relaxation time component and relationship between relaxation time and ethylene content disclosed by Sumitomo et al. as presently claimed, it therefore would have been obvious to one of ordinary skill in the art to use such propylene-ethylene block copolymer in EP 699711 in order to produce a composition with good impact strength as well as good balance between rigidity and impact strength, and thereby arrive at the claimed invention.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (U.S. 5,484,824) in view of Kamakura et al. (U.S. 5,543,454), Watanabe (U.S. 4,621,114), Sumitomo et al. (U.S. 6,201,090), and EP 280297.

Abe et al. disclose a thermoplastic resin composition for automobile exterior parts such as bumper wherein the composition comprises (i) propylene-ethylene block copolymer comprising propylene homopolymer which has stereoregularity index [mmmm] fraction, i.e. isotactic pentad fraction, of greater than 97%, and 10-70% ethylene-propylene copolymer and (ii) nucleating agent, wherein the composition possess melt flow rate (MFR) of 15-25 g/10 min, flexural modulus of 3,000-25,000 kg/cm², i.e. 294-2451 MPa, tensile elongation of at least 300%, and Izod impact strength at -30⁰ C of 5 kg cm/cm or more (col.4, lines 5-7 and 24-25, col.7, lines 34-36, col.8, lines 35-40 and 61-63, col.16, lines 30-34, col.18, line 31, and Table 4). Although there is some confusion with respect to the units of Izod impact strength (see paragraph 3(e) above),

given the broad range disclosed by Abe et al., the values would appear to overlap the values presently claimed.

Although there is no explicit disclosure of xylene insoluble or xylene soluble as presently claimed, it is well known as found in col.2, lines 42-43 and 56-57 of Kamakura et al. that for a propylene-ethylene block copolymer comprising a propylene homopolymer portion and an ethylene-propylene copolymer portion, that the xylene insoluble is the propylene homopolymer portion and the xylene soluble is the ethylene-propylene copolymer portion. Thus, it is clear that Abe et al. disclose xylene insoluble and xylene soluble as presently claimed.

The difference between Abe et al. and the present claimed invention is the requirement in the claims of (a) granulation, (b) relaxation time of xylene soluble, and (c) specific type and amount of nucleating agent.

With respect to difference (a), while there is no explicit disclosure of granulation, it is noted that col.17, lines 65-67 of Abe et al. discloses that the composition is mixed using an extruder.

Watanabe, which is drawn to propylene composition comprising propylene-ethylene block copolymer, disclose that mixing such a composition in an extruder will result in granulation (col.8, lines 2-3).

In light of the disclosure of Watanabe, it is clear that Abe et al. do in fact disclose granulation as presently claimed, and thus one of ordinary skill in the art would have arrived at the claimed invention.

With respect to difference (b), while Abe et al. disclose propylene-ethylene block copolymer comprising xylene soluble, there is no disclosure of the relaxation time and thus no

disclosure that the relaxation time is a single component or related to the ethylene content as presently claimed.

On the one hand, given that Abe et al. disclose a composition comprising propylene-ethylene block copolymer with same content of xylene soluble as presently claimed, it would have been natural for one of ordinary skill in the art to infer that the xylene soluble of Abe et al. intrinsically possesses single relaxation time component and relationship between relaxation time and ethylene content as presently claimed.

On the other hand, Sumitomo et al., which is drawn to propylene-ethylene block copolymer, disclose that the xylene soluble has a single relaxation time component and a relationship between relaxation time and ethylene content of $y \leq 0.0014x^3 - 0.0897x^2 - 1.0593x + 231.6$ where y is the relation time in msec and x is the ethylene content in weight % (col.5, lines 1-48).

The motivation for using propylene-ethylene block which possesses xylene soluble with such relaxation time is that the propylene-ethylene block copolymer has good impact strength and also a good balance between rigidity and impact strength (col.5, line 66-col.6, line 12).

In light of the motivation for using propylene-ethylene block copolymer which has xylene soluble possessing single relaxation time component and relationship between relaxation time and ethylene content disclosed by Sumitomo et al. as presently claimed, it therefore would have been obvious to one of ordinary skill in the art to use such propylene-ethylene block copolymer in Abe et al. in order to produce a composition with good impact strength as well as good balance between rigidity and impact strength, and thereby arrive at the claimed invention.

With respect to difference (c), Abe et al. disclose the use of nucleating agent, however, there is no disclosure of specific type as presently claimed.

EP 280297, which is drawn to propylene resin composition, comprising propylene-ethylene block copolymer, disclose the use of sodium 2,2-methylenebis (4,6-di-t-butylphenyl) phosphate nucleating agent which is identical to the nucleating agent presently claimed and which is used in an amount of 0.01-1 part per 100 parts block copolymer or 0.0001-0.01 part per part copolymer which clearly encompasses the claimed amounts of 0.0003 (300/1,000,000)-0.002(2000/1,000,000) parts nucleating agent per part polymer. The motivation for using such nucleating agent is in order to improve the stiffness and heat distortion resistance of the composition (page 6, lines 49-50 and col.7, lines 13-17).

In light of the motivation for using specific type and amount of nucleating agent disclosed by EP 280297 as described above, it therefore would have been obvious to one of ordinary skill in the art to use such nucleating agent in the composition of Abe et al. in order to produce a composition with improved stiffness and heat distortion resistance, and thereby arrive at the claimed invention.

9. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (U.S. 4,596,833) in view of Kamakura et al. (U.S. 5,543,454), Watanabe (U.S. 4,621,114), and Sumitomo et al. (U.S. 6,201,090).

Endo et al. disclose a composition for exterior automobile parts such as bumper wherein the composition comprises (i) polyethylene block copolymer which has a content of 70-95% xylene insoluble and 5-30% xylene soluble and (ii) nucleating agent which is known under the

tradename NA-11 and is identical to the methylenebis (2,4-di-t-butylphenol) acid sodium phosphate used in the present invention (col.3, lines 10-21, 32, and 35-36 and col.4, lines 1-12 and 32).

The difference between Endo et al. and the present claimed invention is the requirement in the claims of (a) granulation, (b) melt flow rate, (c) stereoregularity index [mmmm] fraction, i.e. isotactic pentad fraction, of xylene insoluble, and (d) relaxation time of xylene soluble.

With respect to difference (a), while there is no explicit disclosure of granulation, it is noted that col.7, lines 44-45 of Endo et al. discloses that the composition is mixed using an extruder.

Watanabe, which is drawn to propylene composition comprising propylene-ethylene block copolymer, disclose that mixing such a composition in an extruder will result in granulation (col.8, lines 2-3).

In light of the disclosure of Watanabe, it is clear that EP 699711 does in fact disclose granulation as presently claimed, and thus one of ordinary skill in the art would have arrived at the claimed invention.

With respect to difference (b), Kamakura et al., which is drawn to propylene resin composition comprising propylene-ethylene block copolymer, disclose that such a composition has melt flow rate (MFR) of 9-15 g/10 min, wherein if the MFR is too low, composition having good moldability cannot be obtained, while if the MFR is too high, a composition having good impact resistance cannot be obtained (col.2, lines 63-67).

In light of the above, it therefore would have been obvious to one of ordinary skill in the art to use composition in Endo et al. which has MFR of 9-15 g/min in order that the composition

have both good moldability and good impact resistance, and thereby arrive at the claimed invention.

With respect to difference (c), Kamakura et al. disclose that the xylene insoluble portion must have isotactic pentad fraction of at least 98% in order to produce a molded product having sufficient heat distortion resistance (col.2, lines 42-50).

In light of the motivation for using propylene-ethylene block copolymer with xylene insoluble which has a specific isotactic pentad fraction disclosed by Kamakura et al. as described above, it therefore would have been obvious to one of ordinary skill in the art to use such a propylene-ethylene block copolymer in Endo et al. in order to produce a composition with good heat distortion resistance, and thereby arrive at the claimed invention.

With respect to difference (d), while Endo et al. disclose propylene-ethylene block copolymer comprising xylene soluble, there is no disclosure of the relaxation time and thus no disclosure that the relaxation time is a single component or related to the ethylene content as presently claimed.

On the one hand, given that Endo et al. disclose a composition comprising propylene-ethylene block copolymer with same content of xylene soluble as presently claimed, it would have been natural for one of ordinary skill in the art to infer that the xylene soluble of Endo et al. intrinsically possesses single relaxation time component and relationship between relaxation time and ethylene content as presently claimed.

On the other hand, Sumitomo et al., which is drawn to propylene-ethylene block copolymer, disclose that the xylene soluble has a single relaxation time component and a relationship between relaxation time and ethylene content of $y \leq 0.0014x^3 - 0.0897x^2$.

1.0593x+231.6 where y is the relation time in msec and x is the ethylene content in weight % (col.5, lines 1-48).

The motivation for using propylene-ethylene block which possesses such relaxation time is that the propylene-ethylene block copolymer has good impact strength and also a good balance between rigidity and impact strength (col.5, line 66-col.6, line 12).

In light of the motivation for using propylene-ethylene block copolymer which has xylene soluble possessing single relaxation time component and relationship between relaxation time and ethylene content disclosed by Sumitomo et al. as presently claimed, it therefore would have been obvious to one of ordinary skill in the art to use such propylene-ethylene block copolymer in Endo et al. in order to produce a composition with good impact strength as well as good balance between rigidity and impact strength, and thereby arrive at the claimed invention.

10. **Note:** Given that the effective filing date of Sumitomo et al. (U.S. 6,201,090), 2/16/00, falls between the effective filing date, 3/29/00, and the priority date, 3/31/99, of the present application, Sumitomo et al. can be overcome by perfecting the filing date of the priority document. Applicants submission of an English translation of the certified priority documents would result in the perfection of the foreign priority filing date.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Hirakawa et al. (U.S. 6,204,336) is similar to Abe et al. (U.S. 5,484824) as described above, in that Hirakawa et al. disclose an ethylene-propylene block copolymer which comprises a propylene homopolymer portion possessing a specific isotactic pentad fraction and ethylene-propylene copolymer portion and nucleating agent, however, there is no disclosure of granulation, melt flow rate, relaxation time, or specific type and amount of nucleating agent as presently claimed.

Nishio et al. (U.S. 5,302,336) disclose a thermoplastic polymer composition comprising ethylene-propylene block copolymer and nucleating agent wherein the composition possess elongation, melt flow rate, flexural modulus, and Izod impact strength as presently claimed, however, there is no disclosure of relaxation time, xylene soluble, xylene insoluble, or specific type and amount of nucleating agent as presently claimed.

JP 09183874 and JP 09183873 are each similar to EP 699711 in that each reference discloses a composition comprising propylene-ethylene block copolymer which comprises a propylene homopolymer portion and ethylene-propylene copolymer portion and nucleating agent as presently claimed, however, there is no disclosure of the isotactic pentad fraction of the propylene homopolymer or melt flow rate (MFR) of the composition and no disclosure of granulation or relaxation time. With respect to claim 2, JP 09183874 or JP 09183873 each disclose flexural modulus outside the scope of the present claims and neither discloses elongation as presently claimed.

JP 09227735 discloses a composition for automobile exterior parts, comprising propylene polymer, including propylene-ethylene block copolymer, wherein the propylene portion has isotactic pentad fraction of 0.97-0.995, and nucleating agent as presently claimed. However, JP

09227735 discloses that the propylene polymer comprises a decane insoluble component and decane soluble component not xylene insoluble and xylene soluble as presently claimed. Further, there is no disclosure of the relaxation time. With respect to claim 2, there is no disclosure of the elongation or Izod impact strength at -30^0C as presently claimed and from the tables it is noted that the flexural modulus falls outside the scope of the present claims.

Sanpei et al. (U.S. 6,204,328) disclose a propylene resin composition which discloses that measuring the Izod impact strength according to ASTM D256 results in measurements in units of J/m.

Tomomatsu et al. (U.S. 6,034,165) disclose propylene resin composition comprising ethylene-propylene block copolymer which has xylene soluble and xylene insoluble portion and nucleating agent, however, while there is a disclosure of the relaxation time associated with the xylene insoluble, there is no disclosure of the relaxation time of the xylene soluble and no disclosure of melt flow rate or specific nucleating agent as presently claimed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Callie E. Shosho
Examiner
Art Unit 1714

Callie Shosho

Callie Shosho
January 16, 2002